

IFW #

PTO/SB/17 (12-04)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2005**

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**180.00**

Complete if Known

Application Number	10/797,479
Filing Date	March 9, 2004
First Named Inventor	Leo Tateo, et al.
Examiner Name	Bunin, Andrew M.
Art Unit	3743
Attorney Docket No.	TYHC:0148/FLE/P0428T

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☐ Deposit Account Deposit Account Number: 06-1315 Deposit Account Name: Fletcher Yoder P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims

Extra Claims

Fee (\$)

Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20

Indep. Claims

Extra Claims

Fee (\$)

Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other: Information Disclosure Statement	180.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 32,777	Telephone (281) 970-4545
Name (Print/Type)	Michael G. Fletcher	Date January 20, 2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lou Tateo, et al.

Serial No.: 10/797,479

Filed: March 9, 2004

For: LARYNGEAL AIRWAY DEVICE

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Group Art Unit: 3743

Examiner: Bunin, Andrew M.

Atty Docket: TYHC:0148 / P0428T

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

January 20, 2006

Date

Michael G. Fletcher

Sir:

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§ 1.97(c) AND 1.98**

In compliance with the duty of disclosure under 37 C.F.R. § 1.56(a), it is respectfully requested that this Information Disclosure Statement be entered and that the listed references be considered by the Examiner and made of record. Applicants note that, due to recent amendments to 37 C.F.R. § 1.98(a), copies of the listed domestic references are no longer required to be submitted to the Examiner.

In accordance with 37 C.F.R. § 1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b), or as a representation that no other possibly material information, as defined in 37 C.F.R. § 1.56(b), exists.

01/25/2006 HVUONG1 00000005 10797479

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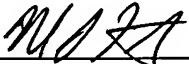
Furthermore, the references listed on the attached PTO/SB/08A Forms are not to be construed as an admission that these references qualify as prior art as to the above-referenced application or any related application. Rather, these references are being presented for the Examiner's consideration without prejudice to the right to demonstrate that any of these references do not qualify as prior art should the Examiner choose to apply any of these references.

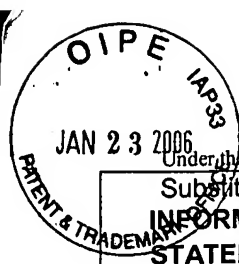
The following information is listed on the attached PTO/SB/08A Forms in accordance with 37 C.F.R. §1.98. Any explanation of non-English language documents contained in this Information Disclosure Statement is believed to constitute a concise explanation of the relevance of the listed reference as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the listed reference, in accordance with 37 C.F.R. § 1.98(a)(3).

In accordance with 37 C.F.R. §1.97(c) a fee of \$180.00 is due for the present Information Disclosure Statement. The Commissioner is authorized to charge any additional fee which may be required, to Deposit Account No. Account No. 06-1315; Order No. TYHC:0148/FLE.

Respectfully submitted,

Date: January 20, 2006

  
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/797,479
				Filing Date	March 9, 2004
				First Named Inventor	Lou Tateo et al.
				Art Unit	3743
				Examiner Name	Bunin, Andrew M.
Sheet	1	of	11	Attorney Docket Number	TYHC:0148 / FLE / P0428T

## U.S. PATENT DOCUMENTS

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A1	US- 4,256,099	03-17-1981	Dryden	
	A2	US- 4,289,128	09-15-1981	Rüsch	
	A3	US- 4,509,514	04-09-1985	Brain	
	A4	US- 4,995,338	02-26-1991	Brain	
	A5	US- 5,241,956	09-07-1993	Brain	
	A6	US- 5,249,571	10-05-1993	Brain	
	A7	US- 5,277,178 A	01-11-1994	Dingley	
	A8	US- 5,282,464	02-01-1994	Brain	
	A9	US- 5,297,547	03-29-1994	Brain	
	A10	US- 5,303,697	04-19-1994	Brain	
	A11	US- 5,305,743	04-26-1994	Brain	
	A12	US- 5,355,879	10-18-1994	Brain	
	A13	US- 5,391,248	02-21-1995	Brain	
	A14	US- 5,443,063 A	08-22-1995	Greenberg	
	A15	US- 5,477,851 A	12-26-1995	Callaghan et al.	
	A16	US- 5,584,290	12-17-1996	Brain	
	A17	US- 5,623,921 A	04-29-1997	Kinsinger et al.	
	A18	US- 5,632,271	05-27-1997	Brain	
	A19	US- RE 35,531	06-17-1997	Callaghan et al.	

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	B1	CA 1158938 A	12-20-1983	Arkans		
	B2	EP 294200 A	12-07-1988	Brain		
	B3	EP 0448878 A2	10-02-1991	Brain		
	B4	GB 2249959 A	05-27-1992	Brain		
	B5	GB 2267034 A	11-24-1993	Brain		
	B6	WO 95/06492	03-09-1995	Greenberg		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <b>(Use as many sheets as necessary)</b>				<b>Complete if Known</b>		
				Application Number	10/797,479	
				Filing Date	March 9, 2004	
				First Named Inventor	Lou Tateo et al.	
				Art Unit	3743	
Examiner Name	Bunin, Andrew M.					
Sheet	2	of	11	Attorney Docket Number	TYHC:0148 / FLE / P0428T	

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A20	US- 5,653,229 A	08-05-1997	Greenberg	
	A21	US- 5,682,880	11-04-1997	Brain	
	A22	US- 5,711,293	01-27-1998	Brain	
	A23	US- 5,743,258 A	04-28-1998	Sato et al.	
	A24	US- 5,746,202 A	05-05-1998	Pagan	
	A25	US- 5,771,889 A	06-30-1998	Pagan	
	A26	US- 5,791,341	08-11-1998	Bullard	
	A27	US- 5,819,733	10-13-1998	Bertram	
	A28	US- 5,850,832 A	12-22-1998	Chu	
	A29	US- 5,853,004	12-29-1998	Goodman	
	A30	US- 5,865,176 A	02-02-1999	O'Neil	
	A31	US- 5,871,012 A	02-16-1999	Naeme et al.	
	A32	US- 5,878,745	03-09-1999	Brain	
	A33	US- 5,881,726 A	03-16-1999	Naeme	
	A34	US- 5,896,858	04-27-1999	Brain	
	A35	US- 5,937,860 A	08-17-1999	Cook	
	A36	US- 5,979,445 A	11-09-1999	Naeme et al.	
	A37	US- 5,983,897 A	11-16-1999	Pagan	
	A38	US- 5,988,167 A	11-23-1999	Kamen	

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	<b>B7</b>	WO 95/33506	12-14-1995	Brain		
	<b>B8</b>	IE 67065 B	02-21-1996	Brain		
	<b>B9</b>	EP 0732116 A2	09-18-1996	Brain		
	<b>B10</b>	EP 768903 B1	04-23-1997	Brain		
	<b>B11</b>	WO 97/32620	09-12-1997	Shajkh		
	<b>B12</b>	EP 08426772 A2	05-20-1998	Neame		

Examiner Signature		Date Considered	
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				Filing Date	March 9, 2004
				First Named Inventor	Lou Tateo et al.
				Art Unit	3743
Examiner Name	Bunin, Andrew M.				
Sheet	3	of	11	Attorney Docket Number	TYHC:0148 / FLE / P0428T

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		Number-Kind Code <sup>2</sup> (if known)			
	A39	US- 5,996,582 A	12-07-1999	Turnbull	
	A40	US- 6,003,510 A	12-21-1999	Anunta	
	A41	US- 6,003,514 A	12-21-1999	Pagan	
	A42	US- 6,012,452 A	01-11-2000	Pagan	
	A43	US- 6,021,779 A	02-08-2000	Pagan	
	A44	US- 6,050,264 A	04-18-2000	Greenfield	
	A45	US- 6,055,984 A	05-02-2000	Brain	
	A46	US- 6,070,581	06-06-2000	Augustine et al.	
	A47	US- 6,079,409 A	06-27-2000	Brain	
	A48	US- 6,095,144	08-01-2000	Pagan	
	A49	US- 6,095,194 A	08-01-2000	Pagan	
	A50	US- Des. 429,811	08-22-2000	Bermudez	
	A51	US- 6,116,243 A	09-12-2000	Pagan	
	A52	US- 6,116,243 A	09-12-2000	Pagan	
	A53	US- 6,119,695	09-19-2000	Augustine et al.	
	A54	US- 6,196,244 B1	03-06-2001	Alfery	
	A55	US- 6,240,922 B1	06-05-2001	Pagan	
	A56	US- 6,251,069 B1	06-26-2001	Mentzelopoulos et al.	
	A57	US- 6,257,236 B1	07-10-2001	Dutkiewicz	

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document.	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	<b>B13</b>	EP 0857492 A2	08-12-1998	Pagan		
	<b>B14</b>	EP 0865797 A2	09-23-1998	Pagan		
	<b>B15</b>	EP 0865798 A2	09-23-1998	Pagan		
	<b>B16</b>	GB 2323292 A	09-23-1998	Pagan		
	<b>B17</b>	EP 922465 A2	06-16-1999	Pagan		
	<b>B18</b>	WO 99/33508 A	07-08-1999	Brain		

Examiner Signature		Date Considered	
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Examiner Name	Bunin, Andrew M.					
Sheet	4	of	11	Attorney Docket Number	TYHC:0148 / FLE / P0428T	

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		Number-Kind Code <sup>2</sup> (if known)				
	A58	US-	6,261,401 B1	07-17-2001	Pagan	
	A59	US-	6,266,548 B1	07-24-2001	Lamade et al.	
	A60	US-	6,308,703 B1	10-30-2001	Alving et al.	
	A61	US-	6,318,367 B1	11-20-2001	Mongeon	
	A62	US-	6,334,863 B1	01-01-2002	Srinivasan	
	A63	US-	6,338,343 B1	01-15-2002	Augustine et al.	
	A64	US-	6,386,199 B1	05-14-2002	Alfrey	
	A65	US-	6,390,093 B1	05-21-2002	Mongeon	
	A66	US-	6,394,093 B1	05-28-2002	Lethi	
	A67	US-	6,422,239 B1	07-23-2002	Cook	
	A68	US-	6,427,686 B2	08-06-2002	Augustine, et al.	
	A69	US-	6,439,232 B1	08-27-2002	Brain	
	A70	US-	6,533,761 B2	03-18-2003	Bertoch	
	A71	US-	6,546,931 B2	04-15-2003	Lin	
	A72	US-	6,604,525 B2	08-12-2003	Pagan	
	A73	US-	6,626,169 B2	09-30-2003	Gaitini	
	A74	US-	6,631,720 B1	10-14-2003	Brain	
	A75	US-	6,634,354 B2	10-21-2003	Christopher	
	A76	US-	6,668,832 B2	12-30-2003	Christopher	

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	B19	GB 2334215 A	08-18-1999	Pagan		
	B20	AU 98/93286 A	09-16-1999	Pagan		
	B21	EP 1169077	04-10-2000	Brain		
	B22	WO 2000/20062 A2	04-13-2000	Brain		
	B23	EP 1207927	08-07-2000	Collins		
	B24	WO 2000/61213 A1	10-19-2000	Brain		

Examiner Signature		Date Considered	
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				Filing Date	March 9, 2004	
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				Art Unit	3743	
Examiner Name	Bunin, Andrew M.					
Sheet	5	of	11	Attorney Docket Number	TYHC:0148 / FLE / P0428T	

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				Application Number	10/797,479
				Filing Date	March 9, 2004
				First Named Inventor	Lou Tateo et al.
				Art Unit	3743
				Examiner Name	Bunin, Andrew M.
Sheet	11	of	11	Attorney Docket Number	TYHC:0148 / FLE / P0428T

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